

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

ROBERT F. KENNEDY, JR., *et al.*,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States of  
America, *et al.*,

*Defendants.*

Civil Action No. 3:23-cv-381

Judge Terry A. Doughty

Mag. Judge Kayla D. McClusky

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR CONSOLIDATION**

Pursuant to the Court's July 5, 2023 Order (ECF No. 21), Defendants respectfully submit this brief response to Plaintiffs' motion for consolidation filed in *Missouri v. Biden*, No. 3:23-cv-381, ECF No. 236. As set forth in Defendants' opposition to the preliminary injunction motion (currently pending decision) in this action, *see* ECF No. 17 at 5-12, Plaintiffs lack standing to bring their claims (either as speakers or listeners), and the Court should therefore dismiss their complaint, rendering the request for consolidation moot. *See, e.g., Don't Dismyabilities, Inc. v. City of Dallas*, No. 3:17-CV-3026-L, 2017 WL 5626330, at \*1 (N.D. Tex. Nov. 21, 2017) (denying preliminary injunction and dismissing without prejudice for lack of ripeness, even absent separate motion to dismiss). However, in the event the Court finds that Plaintiffs have sufficiently established standing, Defendants do not oppose the request for consolidation.

Dated: July 19, 2023

Respectfully submitted,

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